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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,403	03/08/2004	Michelle Allen	50108-181	9023
20277 7590 10/15/2008 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			EXAMINER TAKELE, MESEKER	
			ART UNIT 2175	PAPER NUMBER
			MAIL DATE 10/15/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/796,403	<b>Applicant(s)</b> ALLEN ET AL.	
	<b>Examiner</b> MESEKER TAKELE	<b>Art Unit</b> 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 46-87 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 46-87 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. This communication is responsive to the RCE and Amendment filed 07/25/2008.
2. Claims 46-87 are pending in this application. Claims 46, 60 and 74 are independent claims. In the instant Amendment, claims 1-45 were canceled and Claims 46, 60 and 74 are amended.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

4. Claims 46-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venturino (US Pub No.: 2004/0051741) in view of Pu et al. ("Pu" US Patent No.: 7,152,213).

As to claim 46, Venturino discloses a method of providing a user interface on a cellularly communicative device (paragraph [0012]) comprising a display and a keypad (abstract), the method comprises steps of: displaying a first screen on the display, the first screen concurrently (abstract and paragraph [0002]), comprising:

(a) a first level menu providing a plurality of functional groupings for user selection, on a first area of the displayed first screen (paragraph [0054], [0054], [0118] and [0117]);

and (b) on a second area of the displayed first screen, a second level menu of choices for user selection from within a selected one of the functional groupings of the first level menu (abstract, and paragraph [0010]);

responsive to a cursor control input from a user, moving a cursor on the display across at least the second level menu to indicate a selection of one of the choices on the displayed second level menu (abstract, paragraph [0002], [0005], [0078] and [0123]);

responsive to a user acceptance of the selected one of the choices, displaying a second screen on the display, the second screen concurrently (abstract, paragraph [0001], [0123] and [0128]) comprising:

(a) an area containing information relating to the selected choice (abstract).

However Venturino does not explicitly disclose (a) a plurality of or numeric keys and a dynamically assignable function key (b) a key assignment area displaying a function of the cellularly communicative device associated with the selected choice, dynamically assigned to one-of the keys function key of the keypad of the cellularly communicative device; and performing the dynamically assigned function associated with the selected choice, on the cellularly communicative device, upon user activation of the function key during the display of the second screen.

Pu from the similar field of endeavor discloses (a) a plurality of or numeric keys and a dynamically assignable function key (abstract, col., 2 lines, 45-67); (b) a key assignment area displaying a function of the cellularly communicative device associated with the selected choice, dynamically assigned to one-of the keys function key of the keypad of the cellularly communicative device; and performing the dynamically assigned function associated with the selected choice, on the cellularly communicative device, upon user activation of the function key during the display of the second screen (abstract, col., 2 lines, 45-67).

It would have been obvious to one of ordinary skill in the art to modify Venturino's teaching with the teaching of Pu.

The motivation to combine allows a standard telephone keypad to be presented on a display with the valid data entry selections dynamically assigned to the keys on the keypad.

As to claim 47, Venturino discloses further comprising: providing a system background display screen, wherein the background display screen is selectable by the user (paragraph [0073]).

As to claim 48, Venturino discloses wherein the functional groupings include two or more functional groupings selected from the group consisting of: call messaging, contacts list, obtaining device services, recent calls, and settings and tools (such as, user actuated means includes means for identifying a plurality of predetermined functions and a user actuated switch which can be actuated respectively to directly choose said predetermined functions, claim 5 and [0078]).

As to claim 49, Venturino discloses wherein the first level menu comprises icons visually evocative of the respective functional groupings (paragraph [0078]).

As to claim 50, Venturino discloses wherein the displayed second level menu presents the choices arranged in a prescribed order (abstract and paragraph [0005]).

As to claim 51, Venturino discloses wherein the prescribed order is a function of a previous user selection of the one or more of the choices (abstract, paragraph [0005], [0078] and [0123]).

As to claim 52, Pu discloses wherein the prescribed order is a function of frequency of previous user selections of the one or more of the choices (abstract).

As to claim 53, Venturino discloses wherein: the first level menu includes a call messaging functional grouping, and the second level menu includes choices selected from the group consisting of: creating a message, voicemail, inbox, outbox, draft messages, e-mail messages and instant messages (such as, first user activated means for sequentially navigating through the displayed menu of user selectable options; and second user activated means for directly choosing a predetermined one of the options without having to navigate sequentially through the options, abstract).

As to claim 54, Venturino discloses wherein: the first level menu includes a device services functional grouping, and the second level menu includes a for-pay service choice (such as, first user activated means for sequentially navigating through the displayed menu of user selectable options; and second user activated means for directly choosing a predetermined one of the options without having to navigate sequentially through the options, abstract).

As to claim 55, Venturino discloses wherein: the first level menu includes a device services functional grouping, and the second level menu includes choices selected from the group consisting of: receiving music, receiving games, receiving pictures, receiving movies, receiving news, and receiving information (such as, first user activated means for sequentially navigating through the displayed menu of user selectable options; and second user activated means for directly choosing a predetermined one of the options without having to navigate sequentially through the options, abstract).

As to claim 56, Venturino discloses wherein: the first level menu includes a contacts functional grouping, and the second level menu includes choices selected from the group consisting of: new contacts, contacts list, groups, and speed dial (such as, first user activated means for sequentially navigating through the displayed menu of user selectable options; and second user activated means for directly choosing a predetermined one of the options without having to navigate sequentially through the options, abstract).

As to claim 57, Venturino discloses wherein: the first level menu includes a recent calls functional grouping, and the second level menu includes choices selected from the group consisting of: all calls, missed calls, received calls, and numbers called dial (such as, first user activated means for sequentially navigating through the displayed menu of user selectable options; and second user activated means for directly choosing a predetermined one of the options without having to navigate sequentially through the

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options, abstract).

As to claim 58, Venturino discloses wherein: the first level menu includes a settings and tools functional grouping, and the second level menu includes choices selected from the group consisting of: device tools, device modes, device settings, call settings, system settings, accessories, time settings, and date settings (such as, first user activated means for sequentially navigating through the displayed menu of user selectable options; and second user activated means for directly choosing a predetermined one of the options without having to navigate sequentially through the options, abstract).

As to claim 59, Pu discloses wherein the key assignment area of the second screen displays a plurality of functions dynamically assigned to a plurality of the keys of the keypad (abstract).

Claims 60 and 74 are similar in scope to claim 46 respectively, and are therefore rejected under similar rationale.

Claims 61 and 75 are similar in scope to claim 47 respectively, and are therefore rejected under similar rationale.

Claims 62 and 76 are similar in scope to claim 48 respectively, and are therefore rejected under similar rationale.



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Claims 63 and 77 are similar in scope to claim 49 respectively, and are therefore rejected under similar rationale.

Claims 64 and 78 are similar in scope to claim 50 respectively, and are therefore rejected under similar rationale.

Claims 65 and 79 are similar in scope to claim 51 respectively, and are therefore rejected under similar rationale.

Claims 66 and 80 are similar in scope to claim 52 respectively, and are therefore rejected under similar rationale.

Claims 67 and 81 are similar in scope to claim 53 respectively, and are therefore rejected under similar rationale.

Claims 68 and 82 are similar in scope to claim 54 respectively, and are therefore rejected under similar rationale.

Claims 69 and 83 are similar in scope to claim 55 respectively, and are therefore rejected under similar rationale.

Claims 70 and 84 are similar in scope to claim 56 respectively, and are therefore rejected under similar rationale.

Claims 71 and 85 are similar in scope to claim 57 respectively, and are therefore rejected under similar rationale.

Claims 72 and 86 are similar in scope to claim 58 respectively, and are therefore rejected under similar rationale.

Claims 73 and 87 are similar in scope to claim 59 respectively, and are therefore rejected under similar rationale.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 46, 60 and 74 in light of Applicant Applied Prior art (AAPA) have been fully considered and are persuasive. Therefore, the Applicant Applied Prior art (AAPA) reference was removed. However, in light of Venturino and Pu et al.; it is deemed that the arguments are not persuasive.

Applicant argues that:

(a) Venturino does not suggest dynamic assignment of functions to one or more keys on the device with an attendant display of a currently assigned function.

(b) Pu does not suggest inclusion of an additional dynamically assignable function key.

The Examiner disagrees for the following reasons.

Per (a) Venturinoo in view of Pu teaches dynamic assignment of functions to one or more keys on the device with an attendant display of a currently assigned function (abstract, col., 2 lines, 45-67);

(c) Pu teaches inclusion of an additional dynamically assignable function key (abstract, col., 2 lines, 45-67).

***Inquiry***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MESEKER TAKELE whose telephone number is (571)270-1653. The examiner can normally be reached on Monday - Friday 7:30AM-5:00PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meseker Takele/  
Examiner, Art Unit 2175

/WILLIAM L. BASHORE/  
Supervisory Patent Examiner, Art Unit 2175